

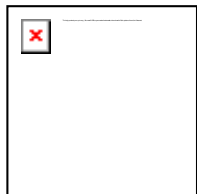
From: Committee on Rules 36GL <cor@guamlegislature.org>
Sent: Thursday, April 8, 2021 10:04 AM
To: Clerks; Rennae Meno
Subject: Messages and Communications for Doc. No. 36GL-21-0390.
Attachments: 36GL-21-0390 (Secured).pdf

Håfa Adai Clerks,

Please see attached M&C Doc. No. 36GL-21-0390 for processing:

36GL-21-0390	Supplemental Staff Report - Request for Extension of Conditional Use Permit on Lot 5378-1East-3, Municipality of Mangilao. Supplemental Staff Report - Sang Woo Suk, authorized agent for Milo Development Inc., for a previously approved Conditional Use Permit, under Application No. 2018-42; Request for a first Extension of Time for an additional twelve (12) months, in compliance to Notice of Action and E.O. 96-26, Section 5, on Lot 5378-1EAST-3, Municipality of Mangilao.	Department of Land Management
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Si Yu'os Ma'åse',



COMMITTEE ON RULES

Vice Speaker Tina Rose Muña Barnes
36th Guam Legislature
I Mina'trentai Sais Na Liheslaturan Guåhan
163 Chalan Santo Papa Hågatña Guam 96910
Email: cor@guamlegislature.org

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----- Forwarded message -----

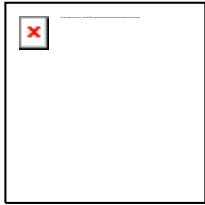
From: Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org>
Date: Wed, Apr 7, 2021 at 3:41 PM
Subject: Re: Messages and Communications for 36GL-21-0390
To: Speaker Therese M. Terlaje <speaker@guamlegislature.org>
Cc: Committee on Rules 36GL <cor@guamlegislature.org>

Good afternoon:

Confirming receipt of Messages and Communications for 36GL-21-0390.

Thank you.

Evelyn Claros
Administrative Officer



Office of the People • Senator Amanda L. Shelton

Legislative Secretary & Chairwoman, Committee on Air Transportation, Parks, Tourism, Higher Education, and the Advancement of Women, Youth, and Senior Citizens

36th Guam Legislature

163 Chalan Santo Papa, *Hagåtña*, Guam 96910

T +1 (671) 969-2574 • (671) 989-2572

E officeofsenatorshelton@guamlegislature.org

On Wed, Apr 7, 2021 at 3:39 PM Speaker Therese M. Terlaje <speaker@guamlegislature.org> wrote:

36GL-21-0390	Supplemental Staff Report - Request for Extension of Conditional Use Permit on Lot 5378-1East-3, Municipality of Mangilao.	Department of Land Management
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Please see attached M&C Doc. No. 36GL-21-0390.

Si Yu'os Ma'ase,

Maria Abante
Legislative Assistant

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.org

website: www.senatorterlaje.com



DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



Street Address:

90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:

P.O. Box 2950
Hagåtña, GU 96932

Website:

<http://dlm.guam.gov>

E-mail Address:

dlmdir@land.guam.gov

Telephone:

671-649-LAND (5263)

Facsimile:

671-649-5383

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

Doc Type: 36GL-21-0390

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

JOSEPH M. BORJA
Director

07 01 2021

Time: 2:07pm

Received: HA

March 25, 2020

COMMITTEE ON RULES:

RECEIVED:

April 07, 2021

3:39 P.M.

Keith Takungyan

To: Chairperson, Guam Land Use Commission

From: Guam Chief Planner

Subject: **Supplemental Staff Report** – Sang Woo Suk, authorized agent for Milo Development Inc., for a previously approved Conditional Use Permit, under Application No. 2018-42; Request for a first Extension of Time for an additional twelve (12) months, in compliance to Notice of Action and E.O. 96-26, Section 5, on Lot 5378-1EAST-3, Municipality of Mangilao.

1. Purpose:

To report and respond to the letter of request for an extension of time dated February 12, 2021 in reference to the request made by the Applicant, Sang Woo Suk, authorized agent for Milo Development Inc., Guam, for a Conditional Use permit under Application No. 2018-42; subject to the Notice of Action (NOA) approved by the GLUC on January 23, 2020, and recorded on February 9, 2020, under DLM Document No. 945173, which expired February 19, 2021 (NOA attached).

2. Legal Authority: Per Executive Order 96-26, Section.

3. Facts:

- a. **Application Summary:** the initial application is for a Conditional Use permit in order to allow for the construction and operation of a modular food establishment on Lot 5378-1EAST-3, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Mangilao, with applicable conditions and compliance to Section, Executive Order 96-26 that states, *"the Applicant must apply for and receive a building or grading permit for an approved GLUC/GSPC project within one (1) year of the date of Recordation of the Notice of Action; otherwise, the approval of the project as granted by the Commission shall expire."*

- b. **Updated Summary:** The applicant's first request for an Extension of Time is for cogent reasons due to COVID19 pandemic restrictions and Government of Guam lockdown; and, was not able to timely apply for Grading/Clearing permits, and were further advised by the Government of Guam permitting agencies that there will be delays in reviewing all permit applications. The applicant has also stated and assured that the required extension of time for twelve (12) months should be enough time to secure clearing and grading permits, as well as permits for the proposed construction of a structure on the subject lot.

4. **Discussion and Staff Analysis:**

The Applicant's justification for an Extension of Time for another twelve (12) months are acceptable; and with the Commission's approval for the requested extension, the applicant plans to proceed with their plans right away in order to comply with Section 5, Executive Order 96-26 within twelve (12) months from date of recordation of Commission's approval.

Recommendation:

- A. This first Extension of Time of under E.O. 96-26, Section 5 shall for an additional twelve (12) months; and, will expire twelve (12) months from date of recordation of the Notice of Action; and,
- B. That the applicant complies with all ARC conditions and requirements as noted in their official position statements which are still in force and in effect as noted in the original Notice of Action under Document No. 945173 dated February 19, 2020.


CELINE L. CRUZ
Guam Chief Planner

Case Planner: Penmer Gulac

Attachments: Letter of Request
Notice of Action, GLUC 2018-42

Penmer Gulac

From: Leonard Campos <lcampos@remaxguam.com>
Sent: Friday, February 12, 2021 3:28 PM
To: Penmer Gulac
Cc: Celine Cruz; Gina Campos
Subject: Request for Extension of Time for CUP, Application No 2018-42
Attachments: DOC393.pdf; ATT00001.htm

Hi Penmer,

I am assisting the owner of the property and also represent the restaurant that is responsible for the improvements on the property. Please find attached the letter of request for extending the conditional use permit. The letter is signed by the owner who is the authorized agent.

Please let me know if additional information or documents are needed.

Sincerely,

Leonard Campos / Director of Operations
RE/MAX Diamond Realty
238 E. Marine Corps Drive, Suite 202 / Hagatna, Guam 96910
Tel: (671) 479-9532 / Fax: (671) 479-8913

**SANG WOO SUK
MILO DEVELOPMENT INC.
P.O. BOX 12974, TAMUNING, GU 96931
TEL: (671) 686-8849**

February 12, 2021

Guam Land Use Commission
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Subject: Approval for Extension of Conditional Use Permit on Lot 5378-1EAST-3 Mangilao

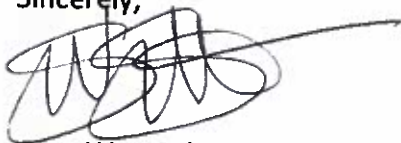
I hereby asked for consideration and approval for a one-year extension of the conditional use permit recorded on February 19, 2020. This extension request is to comply with the rules stating that the project must commence within one year from the recordation date of the conditional use permit approval.

The planned project is to improve the property to install a food service restaurant. However, because of COVID-19 and the mandated restrictions on restaurant operations, and the mandated shut down or reduction of government agencies, it was impossible to proceed with the plans and permits needed to start the project before the required one-year period.

Notwithstanding any other emergencies, we are confident that a one-year extension is adequate in obtaining the necessary plans and permits so the project can commence before the end of 2021.

Thank you for your understanding.

Sincerely,



Sang Woo Suk
Authorized Agent

P. Golac 2/12/21
RECEIVED
Planning Div
Ref: 2018-42 Cond-Use

945173

**GOVERNMENT OF GUAM - Department of Land Management
Office of the Recorder**

File for Record is Instrument Number

945173

On the Year 20 20 Month 2 Day 19 Time 12 41

Recording Fee DE-OFFICIO Receipt No. DE-OFFICIO

Deputy Recorder

[Signature]

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

ORIGINAL

NOTICE OF ACTION

February 5, 2020

Date

To: **Sang Woo Suk**
c/o Harry D. Gutierrez, Consultant
#119 Gutierrez Way, Agana Heights, Guam 96910

Application No. **2018-42**

The Guam Land Use Commission, at its meeting on: **January 23, 2020.**

 / Approved / Disapproved **XX** / **Approved with Conditions**

 / Tabled

Your request for a **Conditional Use Permit to allow for the construction and operation of a modular food establishment on Lot 5378-1EAST-3, in an "R-2" (Multi-Family Dwelling) Zone, in the Municipality of Mangilao.**

NOTICE OF ACTION

Sang Woo Suk

c/o Harry D. Gutierrez, Consultant

Date of GLUC Hearing: January 23, 2020

Date of Preparation of NOA: February 5, 2020

Page 2 of 4

Application No. 2018-42**945173****ZONING**☐ / Zone Change***☒ / **Conditional Use Permit**☐ / Zone Variance

- | | |
|----------------------------------|--|
| <input type="checkbox"/> Height | <input type="checkbox"/> Use |
| <input type="checkbox"/> Density | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Setback | |

☐ / TENTATIVE DEVELOPMENT PLAN**SUBDIVISION**☐ / Tentative☐ / Final☐ / Extension of Time☐ / PL 28-126, SECTION
1(A)**NOTE ON ZONE CHANGE**

***Approval by the Guam Land Use Commission of a **ZONE CHANGE** DOES NOT CONSTITUTE **FINAL APPROVAL** but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE☐ / Wetland Permit☐ / Seashore Clearance**HORIZONTAL PROPERTY REGIME**☐ / Preliminary☐ / Final☐ / Supplementary (Specify)**MISCELLANEOUS**☐ / Determination of Policy and/or
Definitions☐ / Other (Specify)

NOTICE OF ACTION

Sang Woo Suk

c/o Harry D. Gutierrez, Consultant

Date of GLUC Hearing: January 23, 2020

Date of Preparation of NOA: February 5, 2020

Page 3 of 4

Application No. 2018-42


945173

APPLICATION DESCRIPTION:

The Applicants, Sang Woo Suk, represented by Harry D. Gutierrez, requesting approval for a Conditional Use Permit to allow for the construction and operation of a modular food establishment on Lot 5378-1EAST-3, in an "R-2" (Multi-Family Dwelling) Zone, in the Municipality of Mangilao.

COMMISSION DECISION:

The Guam Land Use Commission **APPROVED** the requested Conditional Use Permit subject to the Applicant adhering to the conditions and requirements noted on the official ARC position statements.



Celine L. Cruz
Acting Guam Chief Planner

2/7/2020

Date



Tae S. OH
Acting Chairman
Guam Land Use Commission

2/13/2020

Date

Case Planner: Penmer C. Gulac

Cc: Building Permits Section, DPW (Attn: Building Official)
Real Property Division, Department of Revenue and Taxation

NOTICE OF ACTION

Sang Woo Suk

c/o Harry D. Gutierrez, Consultant

Date of GLUC Hearing: January 23, 2020

Date of Preparation of NOA: February 5, 2020

Page 4 of 4

Application No. 2018-42

945173

CERTIFICATION OF UNDERSTANDING

I/We, _____/
(Applicant [Please print name])

Harry D. Gutierrez, Rep
(Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

Signature of Applicant Date



Signature of Representative Date

2-18-20

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

Applicant(s) Date

Representative Date

AUTHORIZATION

SANG WOO SUL V.P., authorize agent of, Lot 5378-1East-3, Municipality of Mangilao, of legal age and with power bestowed as the owner representative of the subject properties, through this instruments hereby do grant and authorize the following:

1. That **LEONARD P. CAMPOS** is hereby authorized to represent me in obtaining an **Approval for Extension of Conditional Use Permit on Lot 5378-1East-3** with the Department of Land Management.
2. That my authorized representative to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signature to this Authorization:



cn=Sang Woo Suk, MAI,
MRICS,
email=sang.suk@niloapprai
sal.com, c=US
2021.03.30 13:17:58 +10'00'

Sang Woo Suk